

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

U.S. BANK NATIONAL ASSOCIATION,  
as Trustee, on behalf of the  
Holders of the Adjustable Rate  
Mortgage Trust 2007-3 Adjustable  
Rate Mortgage Backed Pass Through  
Certificate, Series 2007-3,

Plaintiff,

v.

MARSHALL E. MIKELS,

Defendant.

No. C 12-0047 CW

ORDER REGARDING  
PLAINTIFF'S  
OPPOSITION TO  
DEFENDANT'S MOTION  
TO REMAND

Defendant Marshall E. Mikels removed the instant case to this Court on January 4, 2012. On January 20, 2012, Defendant U.S. Bank National Association filed a motion to remand this action to state court.

On January 23, 2012, after Plaintiff requested reassignment to a District Court Judge, the case was re-assigned to the undersigned in accordance with Local Rule 73-1. Because of the re-assignment, the hearing date for Defendant's motion to remand was vacated. See Docket No. 6.

The briefing schedule on Defendant's motion to remand was not vacated or altered upon re-assignment of this action. Accordingly, Plaintiff's opposition, if any, is due by February 3, 2012.

The Court notes that Defendant's motion to remand appears well-taken, and warns Plaintiff that, if he does not file an

1 opposition by February 3, 2012, this action will be remanded to  
2 state court. The Court further notes Defendant has requested an  
3 award of costs and fees that it incurred as a result of the  
4 removal and that the Court may make such an award if the motion to  
5 remand is granted.

6 IT IS SO ORDERED.

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8 Dated: 1/25/2012

  
9 CLAUDIA WILKEN  
10 United States District Judge  
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